



THE CITY OF SAN DIEGO

Date of Notice: November 23, 2004

# NOTICE OF PUBLIC HEARING

DEVELOPMENT SERVICES DEPARTMENT

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<b>DATE OF HEARING:</b>	<b>December 8, 2004</b>
<b>TIME OF HEARING:</b>	<b>8:30 a.m.</b>
<b>LOCATION OF HEARING:</b>	<b>Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101</b>
<b>PROJECT TYPE:</b>	<b>Coastal Development Permit and Map Waiver</b>
<b>PROJECT NO:</b>	<b><u>22596</u></b>
<b>PROJECT NAME:</b>	<b><u>GARDNER RESIDENCE</u></b>
<b>APPLICANT:</b>	<b>Vence Gardner</b>
<b>COMMUNITY PLAN AREA:</b>	<b>Peninsula</b>
<b>COUNCIL DISTRICT:</b>	<b>District 2</b>
<b>CITY PROJECT MANAGER:</b>	<b>Laila Iskandar, Development Project Manager</b>
<b>PHONE NUMBER:</b>	<b>(619) 446-5297</b>

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As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Coastal Development Permit (CDP) and a Map Waiver, to construct a new 2,164-square-foot residential unit on a 7,000-square-foot site with an existing dwelling unit and to waive the requirements for a Tentative Map to convert the 2 residential units to condominiums. The property is located at 4554 Niagara Avenue in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, Airport Approach Overlay Zone, and Airport Environs Overlay Zone within the Peninsula Community Planning Area, and Council District 2.

Should the condominium conversion project be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right

If you are an existing tenant within this project, you may have rights to certain benefits as outlined in San Diego Municipal Code Section 144.0503. To learn more information regarding these benefits, please contact the Housing Commission at (619) 578-7580, or find the details on their website at:

<http://www.sdhc.net/haotherprog1h.shtml>

The decision of the Hearing Officer is final unless appealed to the **PLANNING COMMISSION**. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. To file an appeal to the Planning Commission contact staff at the Planning Department, 202 "C" Street, Fifth Floor, San Diego, CA. The appeal must be made within 10 working days of the Hearing Officer's decision.

The certification of an Environmental Impact Report, adoption of a Mitigated Negative Declaration or Negative Declaration, or determination that the project is exempt from the California Environmental Quality may be appealed to the City Council **after all other appeal rights have been exhausted**. All such appeals must be filed by 5:00 PM within ten (10) business days from the date of the Planning Commission's certification/adoption of the environmental document. The proper forms are available from the City Clerk's Office, located on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101.

The decision made by the **PLANNING COMMISSION** is the final decision by the City.

The final decision by the City of San Diego is not appealable to the California Coastal Commission.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call the Disability Services Program Coordinator at 236-5679, at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Job Order No. 42-2182